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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,933	04/26/2001	Masafumi Kurashige	450100-03140	1183

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EXAMINER	
KOSTAK, VICTOR R	

ART UNIT	PAPER NUMBER
2614	10

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,933	KURASHIGE, MASAFUMI	
	Examiner	Art Unit	
	Victor R. Kostak	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's arguments with respect to the rejection of claims 1-11 based on Nishimura as the primary reference have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendment.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 7, 8, 9 and new claims 12 and 13 are now rejected under 35 U.S.C. 102(b) as being anticipated by Woodham.

The special effect system of Woodham (noting particularly Figs. 2, 3, 5 and 7) involves initially converting an input signal 18 into a transformed signal 33 performed by element 34 under the control of computer 16; signal condition setting means covered by element 14 (detailed in Fig. 3), which can be designated as an extraction means as it selectively determines which image data is to be used in key processing and so decided by a user (inherently interfacing computer 16 at some point to at least initiate the effect processing); keyer 78 (Fig. 3, as well as input keyer 38 shown in Fig. 2) which key processes signals F, K and B according to both luminance and chrominance signals selected (extracted) for processing, ultimately wherein selected portions (e.g. col. 4 lines 45-48) are combined (mixed) to create selective special effects by keyer 78, thereby meeting new claim 12.

As for claim 3, in initial image conversion is carried out selectively (col. 4 lines 25-26 giving examples) using computer 16, which selection one of ordinary skill in the art can fully

consider as being carried out freely and independently by the user (as selective special effects characteristically are determined based on personal preferences).

As for claim 7, Woodham specifies as an example generating a mosaic (noting again col. 4 lines 25-26), which characteristically involves uniform block division).

Regarding claims 8 and 9, luminance and R-Y and B-Y color difference signals are processed (e.g. Fig. 5).

As for claim 13, plural luminance and chrominance extraction (selection) can be applied, noting Fig. 3, for example, which allows for vertical and/or horizontal manipulation of both signal components.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham.

As for claims 2 and 4, Woodham can use a window to select image portions to be effect-processed, the remaining image portions not effected (col. 4 lines 38-47). Although he does not specify using a mask, in view of this explicit allowance it would have been obvious to use any suitable means capable of isolating an image area for excluding processing to a selected area, such as by masking or windowing (the latter which Woodham uses). It also would have been to

apply this window or mask, as well as the other steps involving effect and extraction selection, in a free and independent manner, again, in order to accommodate the user at his/her liking.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of Hickman or Takemura (both of record).

As discussed in the last Office action, both Hickman (col. 3 lines 41-43) and Takemura (col. 1 lines 58-60) teach the benefit of tailoring image signals by using two-dimensional lowpass filtering in a special effects system. In view of their specific descriptions of signal preparation, it would accordingly have been obvious to tailor the image signal of Woodham to prepare it for a special effect by including two-dimensional filtering.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of Thier et al. (also of record).

As pointed out previously, Woodham can apply any of various special effects, mentions two and gives allowance for other types in an open-ended statement (col. 4 lines 25-26). In view of this allowance, it would therefore have been obvious to incorporate any applicable effect such as gradient reduction (i.e. posterization, solarization used by Their shown in Fig. 7 as elements 7040 – 7050) to therefore provide a diverse amount of effects.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of MacDonald.

It would have been obvious to use the 3D color gamut to select with accuracy color imaging for the effects process, to thereby provide particularity in the resultant image, as taught by MacDonald, who in his special effect system (col. 2 lines 17-19) acknowledges color referencing to the 3D color space gamut used to modify color values (col. 4 lines 40-43). It is noted that Woodham also refers to 3D imaging in col. 5 lines 46-50.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodham in view of Nishimura et al. (also of record).

It would also have been obvious to use non-additive mixing as taught by Nishimura ((col. 12 line 54 – col. 13 line 11) for the purpose of isolating specific portions for combining.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK